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STUDENT REPORT

JCS REORGANIZATION

Major Gerald A. Korver 87-1495

"insights into tomorrow"

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REPORT NUMBER 87-1495

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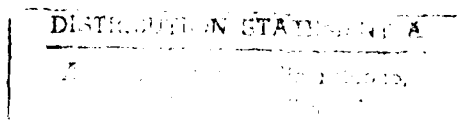
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Submitted to the faculty in partial fulfillment of
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PREFACE

In recent years increasing criticism has been leveled at the U.S. military regarding the inability of the Organization of the Joint Chiefs of Staff (OJCS) to provide quality advice in a timely manner to senior civilian leadership. Interservice rivalry, particularly within the OJCS, is heralded as the prime problem. Attempts by the Military Services to conduct joint operations generally achieved less than superior results. Critics cite Vietnam, the Iran hostage rescue attempt, and Grenada as three examples. To "fix the problem", the U.S. Congress, in September 1986, passed the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the President signed it into law (Public Law 99-433). A major portion of the law deals with the reorganization of the Organization of the Joint Chiefs of Staff.

This research effort is an assessment of Public Law 99-433, describing what changes the law makes to the Organization of the Joint Chiefs of Staff; the strengths and weaknesses of these changes; and what effect it may have on the quality and timeliness of the information provided by the Organization of the Joint Chiefs of Staff to senior civilian leadership.

Special thanks go to Commander Brent Gravatt, of the Air Command and Staff College, who provided me with his counsel and advice. His advice provided the focus to keep this project on target. Special thanks also goes to Colonel Calvin Johnson, of the Air War College, for his sponsorship of this project. Colonel Johnson is in charge of the National Security Briefing Team that travels throughout the United States briefing a variety of audiences. Part of this research effort will be incorporated into that briefing.



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ABOUT THE AUTHOR

A native of Los Angeles, California, Major Gerald A. Korver entered the U.S. Air Force in 1967 and spent the next seven years in the enlisted force, serving tours in Vietnam, Military Airlift Command, and Alaskan Air Command. He received a Bachelor of Science in Business Management from the University of Nebraska in 1973 and was commissioned in April 1974 upon completion of OTS. From 1974 to 1977 Major Korver was a Minuteman Missile Combat Crew member at F.E. Warren AFB, Wyoming. During this time he received a Master's Degree in Business Administration from the University of Wyoming. In 1977 he cross-trained into the Manpower Management career field. Since that time he has served as a manpower officer in a variety of assignments at base and Major Command level. Most recently he was assigned as the Management Engineering/Organization and Productivity Division Chief in the Manpower Directorate at Alaskan Air Command Headquarters.

He is a distinguished graduate of Squadron Officers School and has completed Air Command and Staff College by correspondence. His projected completion date from the National Defense University's National Security Management program is June 1987.

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EXECUTIVE SUMMARY

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"insights into tomorrow"

REPORT NUMBER 87-1495

AUTHOR(S) MAJOR GERALD A. KORVER, USAF

TITLE JCS REORGANIZATION

I. Purpose: Determine what organizational changes are being made to the Organization of the Joint Chiefs of Staff (OJCS); why these changes are perceived as necessary; and how these changes will effect the quality and timeliness of the information provided by the OJCS to senior civilian leadership.

II. Objective: This study has three objectives. It makes an assessment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) to determine what changes the law makes to the Organization of the Joint Chiefs of Staff. The strengths and weaknesses of these changes are then identified. The latter part of this study evaluates those changes to determine what effect they may have on the information provided to senior civilian leadership.

III. Discussion. Public Law 99-433 is the result of several years of effort by both the Executive and Legislative branches of the U.S. government to improve the Department of Defense management structure. While the law makes changes to numerous functions within the Department of Defense, the major focus is on the Organization of the Joint Chiefs of Staff.

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The most extensive changes made to the OJCS as a result of the law involve the increased duties and responsibilities of the Chairman of the Joint Chiefs of Staff. These duties range from being the President's principal military advisor to being directed to evaluate the Services' budgets. The law also tasks the Chairman with oversight of the unified and specified commands. This oversight includes the requirement to develop and maintain a plan to evaluate the readiness of these commands; prioritize these commands' requirements; and recommend to the Secretary of Defense a budget proposal for each of these commands. To assist the Chairman in the accomplishment of these duties, the law authorizes a Vice Chairman of the Joint Chiefs of Staff and directs the Chairman have control over the Joint Staff. The Vice Chairman will carry the rank of General or Admiral and be the second ranking officer in the U.S. Military. In addition to exercising whatever duties are assigned him by the Chairman, the Vice Chairman will act for the Chairman in the latter's absence.

The strengths and weaknesses of the law presented in this paper are based on the opinions of senior government officials, both inside and outside the Department of Defense; members of Congress; and both current and former senior military officials. Opinions have been used to evaluate the strengths and weaknesses of the law since the law has only recently been passed and implementation of the law is just beginning to occur. Each of the changes made to the Organization of the Joint Chiefs of Staff has numerous supporters and critics. The majority of those who support the changes emphasize these changes are necessary to rid the OJCS and the Services of "interservice rivalry". These supporters claim "interservice rivalry" is a prime reason the U.S. military has performed, in their opinion, so poorly in recent military operations. On the other hand, critics of the law believe senior civilian leaders must receive a divergence of opinion on military issues and the best way to get that is to make no changes to the OJCS. In general, proponents of the law present a more logical case for change than the critics of the law do for maintaining the old system.

Little information is available on the possible improvements which may occur after full implementation of

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the law. In general, however, the majority of those individuals who have evaluated the law foresee major improvements in the quality and timeliness of the information provided by the Organization of the Joint Chiefs of Staff to senior civilian leadership.

IV. Conclusion: Public Law 99-433 significantly changes the Organization of the Joint Chiefs of Staff. If "the spirit" of the law is fully implemented, the United States military will have a more effective OJCS than in the past. It will be directed by a Chairman who has the responsibility and authority to resolve the tough issues regarding military force structure, joint operations, and fiscal constraints. With these improvements, civilian leaders should receive advice that meets their needs and is timely in nature.

Chapter One

INTRODUCTION

BACKGROUND

In September 1986, the U.S. Senate and U.S. House of Representatives, by overwhelming margins, passed the Goldwater-Nichols Department of Defense Reorganization Act of 1986. President Reagan subsequently signed the Act into law (Public Law 99-433). This study is an assessment of Public Law 99-433, describing what changes the law makes to the Organization of the Joint Chiefs of Staff; the strengths and weaknesses of these changes; and what effect these changes should have on the quality and timeliness of the information provided by the Organization of the Joint Chiefs of Staff to senior civilian leadership.

Opinions vary on the wisdom of the law. To Representative Les Aspin (Democrat-Wisconsin), Chairman of the House Armed Services Committee, one of the law's strongest proponents, this law "is probably the greatest change in the history of the American military since the Continental Congress created the continental army in 1775" (14:2207). On the other end of the continuum, Admiral Thomas H. Moorer, who was Chairman of the Joint Chiefs of Staff from 1970 to 1974 denounced the changes as "a blueprint for disaster, designed in a semiconspiracy by congressional aides who have never heard gunfire and never missed a meal" (5:10).

HISTORY

The organization of the U.S. military establishment has evolved over time. The National Security Act of 1947 unified the separate armed services under the Secretary of Defense. This act, along with subsequent legislation and Executive Orders, particularly the 1949 amendments, the Reorganization Plan 6 of 1953, and the Reorganization Act of 1958, were intended to unify the armed forces by providing centralized direction as well as an environment which fosters cohesion, joint effort, and mutual support. Since 1958, numerous studies have been conducted, all questioning

the effectiveness of the organization of the U.S. Military establishment (17:2172).

The most recent effort to change the organizational structure of the Department of Defense, specifically as it pertained to the Organization of the Joint Chiefs of Staff, began in 1982 when then Chairman of the Joint Chiefs of Staff, General David C. Jones, USAF, and then U.S. Army Chief of Staff General Edward C. Meyer, called for major changes. General Jones wrote, "structural problems diminish the effectiveness of the Joint Chiefs of Staff" (17:2172). Statements like this caught the attention of the public, the Congress, and the Executive Branch of the U.S. Government.

In response to General Jones' and General Meyer's statements and the public interest those statements generated, Congressional Subcommittees conducted numerous hearings on the subject between 1982 and 1986. Additionally, President Reagan, in July 1985, established the Blue Ribbon Commission on Defense Management. The President directed the Commission to conduct a study of the Department of Defense to identify improvements which should be made in the Department's procedures and management structure. This commission, commonly referred to as the "Packard Commission," provided its final recommendations in June 1986. Those recommendations called for sweeping changes in the Department of Defense and particularly in the Organization of the Joint Chiefs of Staff. Simultaneously, both Houses of Congress were putting final touches on bills that would ultimately become Public Law 99-433.

Chapter Two

ORGANIZATIONAL CHANGES

PURPOSE

The Goldwater-Nichols Department of Defense Reorganization Act of 1986 significantly changes the structure of the Organization of the Joint Chiefs of Staff (OJCS) through legislative amendments to Title 10 of the United States Code. The primary stated purposes of these changes as they apply to the OJCS are to:

Improve the quality and enhance the role of professional military advice; strengthen civilian control of the military; insure that senior civilian decision-makers receive the full range of divergent military advice; strengthen the representation of the joint military perspective and improve the performance of joint military duties; enhance the warfighting capabilities of U.S. military forces by strengthening the authority of the unified and specified commanders; clarify the operational chain of command; increase top management attention to the formulation of military strategy, planning for contingencies, and the setting of priorities among major military missions (17:2169-2170).

The most extensive change made to the OJCS as a result of the law involves the increased duties and responsibilities of the Chairman of the Joint Chiefs of Staff. These duties range from being the President's principal military advisor to being directed to evaluate the Services' budgets. The law also tasks the Chairman with oversight of the unified and specified commands. To assist the Chairman in the accomplishment of these duties, the law authorizes a Vice Chairman and directs the Chairman have control over the Joint Staff. Specific details regarding these changes are explained in subsequent sections.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The Chairman of the Joint Chiefs of Staff's duties and responsibilities are significantly increased under Public Law 99-433. The law designates the Chairman the "principal military advisor to the President, the National Security Council, and the Secretary of Defense" (17:2171). This is a fundamental change from the previous law, where all members of the Joint Chiefs of Staff (the Chairman and the Service Chiefs of Staff) were considered equals. Each provided their own service-specific advice to the President, the National Security Council, and the Secretary of Defense. The new law, however, does put certain constraints on the Chairman. It requires the Chairman to conduct regular meetings to consult with the other members of the Joint Chiefs of Staff (JCS) and solicit their advice. Prior to Public Law 99-433, meetings were regularly conducted; however, no legislative requirement to do so existed. If the Chairman's advice to the President, the National Security Council, or the Secretary of Defense is contrary to the views of one or more of the members of the JCS, the Chairman is required to submit their views in addition to his (17:2257). Additionally, the other members of the JCS are required to provide their views to the President, the National Security Council, or the Secretary of Defense on a specific issue, if asked.

The Chairman is now the senior officer in the U.S. Armed Forces. As the senior ranking officer and Chairman, he is, subject to the direction of the President, authorized to attend and participate in National Security Council meetings.

In his new role as the senior U.S. military officer, the Chairman assumed responsibility for the duties previously performed by the corporate JCS. In addition, several new statutory requirements are assigned to the Chairman. The Chairman must now prepare fiscally constrained budgets; perform net assessments; insure any contingency plans developed and/or reviewed conform to the policy guidance of the President and Secretary of Defense; and advise the Secretary of Defense on the strengths and weaknesses of those contingency plans and their effect on national security.

The Chairman is also tasked to evaluate for the Secretary of Defense the extent to which the Services' budgets conform to the priorities of the strategic plans and the requirements of the unified and specified commanders; prepare and submit to the Secretary of Defense alternative budget proposals which will result in increased mission

accomplishment; assess military acquisition program requirements; and develop joint doctrine. The Chairman is also tasked to prepare a report for the Secretary of Defense every three years on the the roles and missions of the Armed Forces (17:2258).

To insure only the most experienced officers are selected to be Chairman of the Joint Chiefs of Staff, the law requires that "an officer [must] have served as the Joint Chiefs of Staff Vice Chairman, as a Service Chief of Staff, or as a unified or specified commander in order to be appointed as the JCS Chairman" (17:2257). The law stipulates the Chairman's term will begin on 1 October of odd-numbered years; that the initial term of office is two years; and that the President may appoint the Chairman to two additional two-year terms (17:2272). The law further specifies that if the Chairman does not complete his term, his successor may be appointed to two additional terms after serving the remainder of the unexpired term.

COMBATANT COMMAND OVERSIGHT

The Chairman, in his new role, becomes much more involved in the operations of the unified and specified commands. This increased involvement includes the requirement to develop and maintain a plan to evaluate the readiness of those commands; prioritize the requirements of the unified and specified commanders; and recommend to the Secretary of Defense a budget proposal for each of those commands (17:2258). The law specifies the operational chain of command, unless otherwise directed by the President, is from the President to the Secretary of Defense to the unified and specified commanders. It also states the President is authorized to assign duties to the JCS Chairman to assist the President and the Secretary of Defense in performing their command function (17:2259). It is logical for the President to do so since the law requires the JCS Chairman serve as the spokesman for the unified and specified commanders. In this regard, the Chairman is periodically required to review the overall organizational structure of the unified and specified commands and recommend changes to the Secretary of Defense.

JOINT STAFF CONTROL

To assist the JCS Chairman in accomplishing these duties and responsibilities, the law directs the Joint Staff to work for the Chairman. Previously, the Joint Staff worked for the JCS as a corporate body. Now the Joint Staff, under

the Chairman's direction, is tasked to assist the Chairman, the other JCS members, and the Vice Chairman of the JCS in accomplishing their JCS responsibilities. While limiting the authorized strength of the Joint Staff at 1,627 (17:2278), the law specifies several joint officer personnel policies which are designed to increase the quality of the officers selected to fill joint positions. It categorizes certain positions as "joint" and requires they be filled by officers with prior joint experience who have completed a joint education program. The law also provides for the career advancement of these officers. For instance, the Secretary of Defense is required to establish career guidelines for these "joint specialty officers" (17:2261). With one exception, a possible waiver for the Marine Corps, all promotion boards which will consider officers who have served on joint assignments must have a joint duty officer on the board. Additionally, the Chairman must review all promotion lists prior to their submission to the Secretary of Defense.

VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Public Law 99-433 directed a major departure from the current composition of the Organization of the Joint Chiefs of Staff by establishing the position of Vice Chairman of the Joint Chiefs of Staff. The Vice Chairman will carry the grade of General or Admiral and be the second ranking officer in the U.S. Military, junior in rank only to the Chairman. The Vice Chairman "exercises whatever duties are delegated to him by the Chairman with the approval of the Secretary of Defense" (17:2197). Additionally, the Vice Chairman will act for the Chairman in his absence. Prior to the establishment of this position, the "Acting Chairmanship", in absence of the Chairman, rotated every three months among the Service Chiefs of Staff. The Vice Chairman will attend all meetings of the Joint Chiefs but is not considered a member of the JCS and therefore is not allowed to vote except when he is acting as Chairman.

The Vice Chairman, like the Chairman, is appointed by the President with maximum tenure of three two-year terms. There is one exception to this restriction. If a Vice Chairman is later appointed Chairman, there is an eight-year limit on the time the individual can spend collectively as Vice Chairman and Chairman.

SUMMARY

The Organization of the Joint Chiefs of Staff is changing significantly as a result of the passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433). Elevating the position of Chairman of the Joint Chiefs of Staff to the principal military advisor to the President, the National Security Council, and the Secretary of Defense is intended to improve the quality of military advice provided to senior leadership by allowing the Chairman to provide his objective views unconstrained by the need for group consensus. The language of the law is designed to clarify the premise of civilian control over the military. By stipulating the Chairman must present the views of the other members of the JCS if they disagree with his opinion, senior civilian decision-makers are theoretically insured, through the law, of receiving the full range of divergent military advice.

The increased emphasis on manning the Joint Staff positions with experienced, highly qualified officers along with insuring their career advancement is intended to promote a joint military perspective. It is also designed to improve the performance of joint military duties. Elimination of the Chairman's requirement to provide a "consensus viewpoint" will also strengthen the joint military perspective.

The authority of the unified and specified commanders is increased. Additionally, the law emphasizes the Chairman has oversight responsibility of the unified and specified commands.

The law emphasizes the increased attention the Chairman must place on strategy, contingency plans, and the distribution of military missions. For instance, the Chairman must develop fiscally constrained, forward-looking, fully integrated strategic and contingency plans. The Chairman is also required to review the roles and missions of the services and commands and make recommendations on how improvements can be made.

Collectively, the legislated changes to the Organization of the Joint Chiefs of Staff are intended to promote "jointness" within the U.S. military. Objective, time-sensitive, fiscally constrained proposals are also prime objectives of Public Law 99-433.

Chapter Three

STRENGTHS AND WEAKNESSES

OVERVIEW

Demand for change with respect to the organizational structure of the Organization of the Joint Chiefs of Staff is not a new occurrence. These demands have been made frequently throughout United States military history. What is significant is the degree of change incorporated in Public Law 99-433. Senator Barry Goldwater (Republican-Arizona) and Senator Sam Nunn (Democrat-Georgia) called the law "the most far-reaching reorganization of the United States defense establishment in almost 30 years" (18:1). The previous chapter described the major changes to the Organization of the Joint Chiefs of Staff. This chapter identifies the major strengths and/or weaknesses associated with each change.

While Public Law 99-433 has been passed, full implementation has not yet occurred. The Services are reviewing the law to determine what actions they must take to implement it. Consequently, the strengths and weaknesses which follow are based on opinions and not experience. They are the opinions of senior government officials, both inside and outside the Department of Defense; members of Congress; and both current and former senior military officials. These opinions are very diverse, from strongly supporting, to totally disagreeing with the law. Divergence of views is particularly evident on the subject of the new duties of the Chairman of the Joint Chiefs of Staff.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Public Law 99-433 significantly increases the Chairman of the Joint Chiefs of Staff's duties. First and foremost, the law designates the Chairman the principal military advisor to the President, the National Security Council, and the Secretary of Defense. This is one of the most controversial parts of the law. On the positive side, the change, according to its supporters, does away with the

"committee approach" and the equality of all members of the JCS (the Chairman and the Service Chiefs). The consensus/compromise approach to decision-making is replaced by a single decision-maker (the Chairman). The change is designed to do away with "a confederation of military Services led by a committee that operates on the principle of log-rolling: I'll support your budget request for tanks if you'll support my budget request for airplanes" (2:78). On the negative side, opponents of the law charge the full range of information will not be presented to civilian leadership.

Many "horror stories" have surfaced supporting the allegation that the equality of the members of the JCS has, at times, had a detrimental effect on the capability, efficiency, and effectiveness of the U.S. military. For instance, Representative Les Aspin contends, "it is because of this committee-compromise approach to defense that we currently have three different aircraft providing close air support to ground troops: The Army has its helicopters; the Air Force has its A-10's; and the Marine Corps has its Harriers" (2:78). This is not the only case, however, where the "committee system of management" and interservice rivalry has allegedly caused the U.S. military to be ineffective. Some critics believe that during the Iran hostage rescue attempt, "Interservice rivalry dictated that either Marine or Navy helicopter pilots would be selected because Navy admirals believed their control would be jeopardized if Army or Air Force pilots were permitted to fly the helicopters off the carriers" (1:23).

The new law is designed to eliminate committee management, log-rolling, political trades, papered-over disagreements, and lobbying as the necessary way of doing business by designating the Chairman of the Joint Chiefs of Staff "the principal military advisor". No longer will each of the military Service Chiefs "have veto power over any of the 3000 decisions that come before the committee each year" (4:3). Rather, the Chairman, as the principal military advisor, will provide the "military advice or perspective" to the President, the Secretary of Defense, and the National Security Council. This is not to imply that only the Chairman's perspective will be heard. The Chairman, through periodic meetings with the Service Chiefs, will solicit their views. When the Service Chiefs' views differ from the Chairman's, the Chairman will provide those views, along with his, to the senior civilian leadership. Additionally, the other members of the JCS are required to provide their views on specific issues when requested to do so.

According to most supporters of the law, the primary purpose for making the Chairman the "principal advisor" is to eliminate Service domination of the advice provided by the OJCS. This "Service domination" has, in many legislators minds, been the reason the U.S. military has not operated effectively in "joint operations". Too much time has been spent by each Service solidifying their own positions and ability to operate independently. The result, according to one commentator, John Berry, has been the inability to operate jointly. He states the Iran hostage rescue attempt is just one example. "Even the Grenada invasion, which succeeded against tinkertoy opposition, was marred by shaky planning, communications foul-ups and poor coordination." (11:20).

The Chairman, in speaking for all the U.S. military forces, is required to look at all issues from a joint perspective and provide civilian leaders the best advice possible without regard to interservice rivalries. Supporters of the law believe this change has great merit. They argue the time required for the Chairman to respond to requests for advice will be greatly reduced because total agreement of all members of the JCS is no longer needed. Furthermore, they believe the advice should be more objective because no one Service will have "veto power." The resultant advice should reflect a greater emphasis on objectivity and "jointness" and a resultant decrease in service allegiance since the Chairman now "has the authority to offer cross-service advice and recommendations without obtaining unanimous Service approval" (11:89). According to supporters of the law, the requirement to obtain "unanimous Service approval" has generated advice that has been less than acceptable. The results of more recent U.S. military actions have had less than sterling results. This has raised concerns in Congress such as "If the U.S. military cannot handle limited operations in Iran, Lebanon, and Grenada, how would they do in a big war?" (12:1)

Prior to implementation of Public Law 99-433, the Chairman worked tough issues and got good "consensus-type" advice due solely to his personal leadership capabilities. The Service Chiefs faced a different problem (an inherent conflict between their joint role and responsibility to represent the interests of their Service). Historically, it has been the opinion of many people, both in and out of uniform, that the Service perspective came to the forefront. If the U.S. military had billions of dollars and millions of aircraft, it could afford to let them fight in separate Service packages, outnumbering the enemy at every point on the battlefield. But this is not the case. The U.S. does not have these numbers, nor can it afford them. According

to one renowned Pentagon advisor, the U.S. cannot afford another Vietnam-type war where there was the Air Force air war; the Republic of Vietnam Air Force air war; the Marine air war in support of the Marine ground troops; and the Navy air war in the North. According to this observer, this approach didn't work well in Vietnam, it hasn't worked well since, and it won't work well in the future (1:181).

Supporters of the law imply that making the Chairman the "principal advisor" provides a direct approach to minimizing the amount of irrelevant, watered-down, papered-over, untimely advice provided to the President, the Secretary of Defense, and the National Security Council. Critics of the law are extremely outspoken in pointing out potential shortfalls. For instance, Senator Paul J. Trible from Virginia states:

[Establishment of] a single, dominant military officer, who serves as the cutoff man between civilian authorities and the military ... profoundly alter[s] the nature of our defense establishment - for the worse (15:79).

The U.S. Navy, a strong critic of Public Law 99-433 prior to its passage, expressed concern that "suppressing the full range of ideas and information the Joint Chiefs provide will isolate civilian authorities from the critical issues and thus hamper, rather than enhance, wise decision-making" (7:27). There are two ways this could occur. First, the Chairman, who comes from one of the Services may remain loyal to his service and therefore may present a biased view. Second, and more importantly, is the concern that making the Chairman the "principal advisor" will erode civilian control of the military. The Chairman is tasked to advise civilian leadership. The civilian leadership must then make decisions. The decision process is easy if the civilian leadership receives only one recommendation. The decision has been "made" for them - by the Chairman. This, critics contend, results in loss of civilian control over the military. To insure this doesn't occur, these critics contend, civilian leadership needs more diverse military views, not less.

Both proponents and critics have raised points concerning the appropriateness of making the Chairman the nation's principal military advisor. Proponents of the change state the advice provided in the past has been of extremely poor quality. The critics of the change, on the other hand, state that limiting the provider of the advice to only the Chairman will result in static thinking, a

politicized point of view being provided, and ultimately a weakening of civilian control over the military.

The issue of civilian control over the military also surfaces when critics evaluate the Chairman's new role on the National Security Council. They contend that authorizing the Chairman of the Joint Chiefs of Staff to attend the National Security Council (NSC) meetings as a voting member also weakens civilian control over the military. This occurs, they assert, because as a voting member, the Chairman can vote against his superior, the Secretary of Defense, who is also a voting member. This, the critics believe, is a major weakness of Public Law 99-433. Prior to passage of the new law, the Chairman was authorized to attend the NSC meetings but was not considered a voting member. Proponents of the law, while recognizing the anomaly of having the Chairman vote, possibly against his civilian superior, support this action on the grounds that the Chairman, as the senior military advisor, must be a voting member of the NSC.

As part of his senior military advisory duties, the Chairman is responsible under the new law for providing fiscally constrained strategic plans and net assessments. While there is need for the military to take fiscal constraints into consideration when developing strategic plans and lists of requirements, the question is, how much relative weight should fiscal constraints be given? The Service Chiefs contend the reason there has been so much perceived parochialism "is nothing more than a response to budget ceilings which were totally unrealistic in light of the number of U.S. international commitments and the growing nature of the external military threat" (19:1). Critics perceive the inherent weakness in forcing the Chairman to provide fiscally constrained information is that the "fiscally constrained" requirements may not be a statement of the actual military requirements. Additionally, if all the strategic plans are fiscally constrained, the U.S. military runs a risk of functioning in peacetime but not being prepared for war.

In addition to addressing strategic plans, the new law also requires the Chairman to insure any contingency plans developed and/or reviewed conform to the policy guidance of the President and Secretary of Defense. This requirement, according to supporters of the law, is a major improvement in that it significantly strengthens civilian control over the military. Prior to the law being passed, "all contingency plans were conceived and maintained in the greatest secrecy.... The more serious the emergency the more likely that the secret contingency plans were developed

without any sort of meaningful review by the NSC or any other arm of civilian government" (6:15). The law also directs the Chairman to highlight the strengths and weaknesses of these plans and their effect on national security.

The Chairman, in his new role as principal military advisor is tasked with oversight of the Services' budgets to insure they conform to the priorities of the strategic plans and the requirements of the unified and specified commands. The Chairman is also tasked to prepare and submit alternative budget proposals which will result in increased mission accomplishment. According to the law's proponents, these tasks, along with the requirement to prepare Joint doctrine, enhance the "collective" or "Joint" approach to management of the U.S. military establishment. The Chairman has the responsibility to eliminate those programs "the Joint Chiefs were unable to single out and eliminate, even though they were unwise and wasteful" (13:1-E). To strengthen this concept of jointness as well as eliminate unnecessary taskings, functions, or organizations, the Chairman must provide the Secretary of Defense a periodic report on the roles and missions of the Armed Forces.

To help insure there is compatibility between the Chairman of the Joint Chiefs of Staff and the President he serves, the law specifies that the Chairman's two-year term of office begins on 1 October of odd-numbered years. The President is authorized to extend the Chairman's term of office in two year increments to a total of six years. The reason for this new requirement, according to its proponents, "is to give a newly elected President an automatic opportunity to retain or release the military officer who will serve as his principal military advisor" (17:2192). On the surface this change appears unnecessary since, theoretically, the Chairman serves at the pleasure of the President. However, proponents of the law state that in reality it is almost unheard of to replace a Chairman prior to completion of his term of office.

Collectively, the changes in duties and responsibilities of the Chairman of the Joint Chiefs of Staff resulting from passage of Public Law 99-433 are significant. Many of the changes could result in more meaningful information being provided to the President, the Secretary of Defense, and the National Security Council. The advice will no longer be based, in all cases, on consensus. The Chairman will be able to make the hard decisions when consensus is not achievable. While there are some potential weaknesses in the law, in this writer's view, the majority of the critics' complaints are unfounded since the new law stipulates that

the Chairman must provide the Service Chiefs' views if they conflict with his. Additionally, the Service Chiefs are, by law, required to provide their views if requested to do so. These two safeguards will ensure that senior civilian leaders will receive the full range of military advice, rather than just the advice of the Chairman.

COMBATANT COMMAND OVERSIGHT

The changes in Public Law 99-433 concerning combatant commands focus on the increased involvement the Chairman of the Joint Chiefs of Staff will have in the oversight of these commands. This increased involvement includes the requirement to evaluate these commands, to prioritize their requirements, and to recommend budget proposals for these commands (17:2259).

Public Law 99-433 has a much greater effect on the unified and specified commands than just the few changes listed above. A major purpose of the law was to eliminate, or, at least reduce, the amount of interservice rivalry in the unified commands. Interservice rivalry has been just as rampant within these commands as it has in meetings of the Joint Chiefs of Staff. Proponents of change to the OJCS frequently stress the need for a unified or joint approach to warfare. President Eisenhower, in his Defense Reorganization Act of 1958 stated,

Separate ground, sea and air warfare is gone forever. If ever again we should be involved in war, we will fight in all elements, with all services, as one single concentrated effort. Peacetime preparations and organizational activity must conform to this fact (10:24)

Numerous U.S. military actions which have taken place since President Eisenhower made that statement have highlighted the lack of a joint approach to warfare. In Vietnam there were four separate air forces operating. During the Iran hostage rescue attempt, and more recently in Grenada, multiservice operations were conducted with serious command and control snarls (9:21).

The problem of lack of unified effort is further compounded by the Services' control of the structure of the theater forces and the funding of the supplies provided to the commanders.

Within each unified command, there is a component command corresponding to each military department

from which forces have been drawn. On all matters other than operations, such as training, logistics, procurement and maintenance, the component commanders report directly to their respective Service departments, bypassing the unified commands (11:83).

Besides having problems on the support side, the unified and specified commanders also have problems in the area of operations.

There are strings on their forces: Airplanes and submarines are committed to strategic nuclear attack; aircraft carriers are part of the strategic nuclear reserve; airborne units have special intelligence missions. Forces vanish from under the commanders just when they are most necessary (1:289).

In essence, the unified and specified commanders have little control over the operational chain of command and no control over the administrative chain of command. Public Law 99-433 attempts to turn that around. The Chairman, in his new capacity, must insure the unified and specified commanders' requirements and budgets are consistent with their taskings. Equally important, the law, because of its emphasis on "jointness", is causing the Services to focus more on combined operations and interoperability than ever before. The commanders of the unified and specified commands are being given control over all assets within their theater. Collectively, the emphasis on jointness, combined operations, interoperability, and authority commensurate with responsibility is a very positive outcome of the new law.

JOINT STAFF CONTROL

To assist the Chairman of the Joint Chiefs of Staff in accomplishing his new duties and responsibilities, the law directs the Joint Staff to work for the Chairman. The law, in addition to specifying the authorized strength of the Joint Staff at 1,627, directs several changes aimed at increasing the quality of the officers selected to fill joint positions (17:2278). These changes include categorizing certain positions as "joint" and requiring they be filled by officers with prior joint experience who have completed a joint education program. Additionally, the law provides for the career advancement of these officers.

The changes being made are designed to dampen the tendency toward strong Service loyalty among the Joint Staff. Prior to implementation of Public Law 99-433, most Joint Staff officers "had strong incentives to protect their own Services; they usually served only a single Joint tour...and had to look to their parent Service for future assignments and promotions" (11:77). The law is designed to change that by attracting highly qualified officers who are trained to think "jointly", and by insuring their career advancement is not stopped when they don't support their parent Services' parochial views.

While there are some very good aspects to this part of the law, there are some problems with implementing it. Currently the Joint Service schools do not graduate sufficient students to fill the "joint positions". Either the requirement for joint school attendance must be relaxed or the number of joint schools must be increased. This is one area of the law which may be very difficult to implement.

VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Public Law 99-433 significantly changes the composition of the Organization of the Joint Chiefs of Staff by adding a Vice Chairman who will carry the rank of General or Admiral. This officer will be the second ranking officer in the U.S. military, junior in rank only to the Chairman.

This is a very positive change according to proponents of the law. "The Chairman needs a deputy because he must continually attend Congressional hearings and NSC meetings, and be away on inspection trips or meet with allies. While he is out of town, or even just out of the Pentagon, meaningful work often stops" (1:289). Under the previous system the Service Chiefs were designated, on a rotational basis, "Acting Chairman" for a three month period. According to former Army Chief of Staff, General Edward Meyer, "The Service Chiefs have too little time to complete all the tasks assigned to them as it is, let alone serve as Acting Chairman" (8:16). The current Service Chiefs, on the other hand, opposed this change. They viewed the rotational approach as one way to insure the Service Chiefs maintain a joint perspective, because in their capacity as "Acting Chairman", they see things through the Chairman's eyes (19:1).

With the increased duties and responsibilities of the Chairman, and the need to maintain a full-time joint perspective, it makes sense to have a Vice Chairman of the

Joint Chiefs of Staff. This officer will be able to assist the Chairman in accomplishing his assigned duties and fill in as Chairman during the times the Chairman will not be available.

SUMMARY

Since Public Law 99-433 has only recently been passed, and is just now beginning to be implemented, it is difficult to state with certainty how positive or negative an effect the law will have. However, almost every study of the Organization of the Joint Chiefs of Staff in the last 30 years has identified the need for change. The most frequently cited problem centered on interservice rivalry and the resultant inability of the OJCS to provide "quality" information in a "timely" manner. Public Law 99-433 goes a long way toward fixing these problems by elevating the Chairman's position from "first among equals" to "the principal military advisor." Furthermore, the law provides the Chairman with the assets (a Vice Chairman; a Joint Staff under his control; and specific legislative authority) to get the job done. The changes to the Organization of the Joint Chiefs of Staff, if implemented as specified, will significantly increase the quality and timeliness of the information provided to civilian leaders.

Chapter Four

WILL QUALITY AND TIMELINESS OF INFORMATION IMPROVE?

OVERVIEW

Public Law 99-433 was passed to correct what Congress perceived as severe procedural and management structure problems within the Department of Defense. This study has focused on the changes made to one part of the Department of Defense, the Organization of the Joint Chiefs of Staff (OJCS). The remainder of this paper will address the effect Public Law 99-433 could have on the quality and timeliness of the information provided by the Joint Chiefs of Staff to senior civilian leadership.

Little information is available on the possible improvements in "quality and timeliness" which may occur after full implementation of the law. Since the law has recently been passed, and has only been implemented to a minimal extent, no historical evidence exists on which to evaluate the effect the law will have on the quality and timeliness of the information provided by the JCS to the senior civilian leadership. The discussion which follows, therefore, is, an analysis by the author of the effect the law will have on the quality and timeliness of the information provided to senior leadership, to include the viewpoints presented by both its critics and supporters. In general, the majority of those individuals who have evaluated the law foresee major improvements in the quality and timeliness of the information provided by the OJCS to senior civilian leadership. The most important player in this improvement effort is the Chairman of the Joint Chiefs of Staff.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The Chairman, as principal military advisor and senior U.S. military officer, is responsible for implementing a major portion of Public Law 99-433. The cooperation the Chairman receives from the Services will, in great measure,

determine the degree to which the law is implemented and interservice rivalry is reduced.

Proponents of the law have stressed that interservice rivalry is a major reason advice coming from the JCS has not been acceptable from a "quality and timeliness" standpoint. They assert:

The institutional views of the JCS often [took] too long to prepare; [were] not in the concise form required for extremely busy senior officials; and frequently [did] not offer clear, meaningful recommendations on issues affecting more than one Service (17:2175).

Implementation of Public Law 99-433 should help minimize these problems. The Chairman will no longer be forced to get consensus from the Service Chiefs before providing advice to senior civilian leaders. This change affects the "quality and timeliness" issue in several ways. The advice provided, since it no longer must be acceptable to all Services, can be more objective in nature. Proponents of the law project the resultant advice will be more "joint" oriented and free from "the predominance of Service perspectives" (17:2175). No one Service will be able to prevent advice from being presented that is not favorable to that Service. Implementation of this aspect of the law should allow the Chairman to address issues which, until now, have not been addressed because of the inability to get consensus. It should also allow the Chairman to provide the best military advice available, from his perspective, without regard to Service views. Elimination of the need for Service consensus should reduce the time required to prepare the advice since the OJCS discussions will not have to continue until there is unanimity of opinion among all JCS members. To ensure all Service Chiefs' views are taken into consideration, the law stipulates the Chairman must consult with the Service Chiefs. Any dissenting advice must be presented at the same time the Chairman's advice is presented to senior civilian leadership.

The law further enhances the Chairman's position as principal military advisor by directing the Chairman be designated a statutory member of the National Security Council (NSC). As a formal member, the Chairman will provide military advice to the NSC, even if that advice differs from the advice provided by his superior (the Secretary of Defense). Proponents of the law, while recognizing the potential conflict this could raise between the Secretary of Defense and the Chairman, believe very strongly the Chairman's position must be given appropriate

weight. The diversity of military advice is potentially enhanced under the new law, since both the Secretary of Defense's and the Chairman's positions are taken into consideration by the entire NSC.

Additionally, the requirement that the Chairman prepare fiscally constrained budgets; perform net assessments; ensure contingency plans meet policy guidance; and develop joint doctrine could result in better quality advice being given to senior civilian leadership. Critics of the U.S. military establishment have stressed numerous times that the Services are not working together. These critics use Vietnam, the Iran hostage rescue attempt, and Grenada as examples. Furthermore, they contend the strategy and force structure advice provided by the JCS has not been realistic because it has not taken fiscal constraints into consideration. Implementation of Public Law 99-433 should, by directing the Chairman to address these issues, help eliminate these problems and thereby increase the quality of the information provided to the President, the Secretary of Defense, and the National Security Council.

To ensure the President receives advice from a Chairman the President feels comfortable working with, the law changes the Chairman's term of office so that each newly elected President can select his own Chairman. While this aspect of the law probably will not have as great an effect on the OJCS as other parts of the law, it does provide some potential for better information flow than might occur if the Chairman was not an individual the President had selected.

COMBATANT COMMAND OVERSIGHT

The increased combatant command oversight by the Chairman of the Joint Chiefs of Staff, directed by Public Law 99-433, is designed, according to its proponents, to bring about a "joint perspective" in the unified and specified commands. Interservice rivalry is seen by critics of the military as a prime reason these Commands have not been able to operate effectively. By directing the Chairman to provide oversight, Service control is theoretically reduced. Senior civilian leadership can receive timely advice from the Chairman on exactly what the Commands' needs are and on what changes need to be made to enhance their capability. The result is potentially higher quality information and advice on which civilian leadership can base their decisions.

JOINT STAFF CONTROL

By directing that the Chairman have control over the Joint Staff, Public Law 99-433 increases the likelihood the Chairman will be able to provide quality and timely advice to senior civilian leaders. Without control of the Joint Staff, it would be very difficult, if not impossible, to provide advice of a joint nature, not biased by Service loyalties. Additionally, the law potentially enhances the quality of the information provided to civilian leadership by directing the implementation of procedures designed to increase the quality of the officers working on the Joint Staff.

VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

By adding a Vice Chairman position to the Organization of the Joint Chiefs of Staff, Public Law 99-433 increases the ability of the Chairman to provide timely, high quality advice to senior civilian leaders. The Vice Chairman can provide continuity within the OJCS during the numerous times the Chairman is not available. Since the Vice Chairman works for the Chairman on a daily basis, theoretically, he will understand the Chairman's position on any given issue and be able to continue working issues while the Chairman is not present. This improves both the quality and timeliness of information provided to senior civilian leaders. The quality of the information provided is enhanced because the Chairman's "joint perspective" will be incorporated in any advice provided. Timeliness will be improved since tough issues will not have to be put on hold until the Chairman is available.

CONCLUSION

Public Law 99-433 significantly changes the Organization of the Joint Chiefs of Staff. It directs the Chairman to be the "principal military advisor" to the President, the Secretary of Defense, and the National Security Council. The primary purpose for this change, according to its supporters, is to reduce interservice rivalry and emphasize "jointness" rather than autonomous Service viewpoints and operations. The law also directed the Chairman to ensure policy guidance and fiscal constraints are considered in the development of contingency and strategic plans. The Chairman is also directed to provide oversight of the Unified and Specified Commands. According to Public Law 99-433, the Joint Staff and the Vice Chairman serve to support the Chairman.

If "the spirit" of the law is fully implemented, instances of interservice rivalry, log-rolling, political trades, papered-over disagreements, and a consensus/compromise approach to decision-making will be gone. The Service Chiefs will no longer have veto power over the decisions that come before the JCS. Military operations will less likely be marred by shaky planning, communications foul-ups, and poor coordination in the field. In its place will be an effective Organization of the Joint Chiefs of Staff, directed by a Chairman who has the responsibility and authority to resolve the tough issues regarding military force structure, joint operations, and fiscal constraints. The Chairman will be able to provide the President, the National Security Council, and the Secretary of Defense the "military advice" they need to make the time-sensitive national security decisions the United States' continued freedom is so dependent upon.

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